

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
05-10155-MLW

UNITED STATES OF AMERICA

v.

JANET E. SMITH and
THOMAS H. CABANA

FINAL STATUS REPORT

February 17, 2006

DEIN, M.J.

A final status conference was held before this court on February 17, 2006, at which time the court was notified by defendants' counsel that the defendants intend to request that a Rule 11 hearing be scheduled. Consequently, this court enters the following report, in accordance with Local Rule 116.5(D):

1. The defendants intend to enter a plea.
2. Discovery is completed.
3. There are no outstanding discovery issues. The defendants do not anticipate filing any dispositive motions.
4. Based upon the prior orders of the court dated July 11, 2005, August 22, 2005, September 16, 2005, October 28, 2005, November 29, 2005 and January 5, 2006, at the time of the Final Status Conference on February 17, 2006 there were zero (0) days of non-excludable time under the Speedy Trial Act and seventy (70) days remaining under the Speedy Trial Act in which this case must be tried.¹

¹ Additionally, however, the parties having reported that the defendant has indicated an intention to enter a plea of guilty, this court hereby orders the entry of excludable time, pursuant to the provisions of 18 U.S.C. § 3161(h)(1), commencing on this date, and concluding at the time the defendant offers a plea or unequivocally communicates to the court that the defendant does not intend to offer a plea of guilty. See United States v. Mentz, 840 F.2d 315, 330-31 (6th Cir. 1988).

